

BILL NO. 92-94

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

AS AMENDED

BILL NO. 92-94 (AS AMENDED)

Introduced by Council President Wilson at the request of the County Executive
Legislative Day No. 92-35 Date December 1, 1992

AN EMERGENCY ACT to provide for the inclusion in the Harford County Solid Waste Management Plan of the Westwood Rubble Landfill, the Phillips Army Airfield Rubble Landfill, and the Medical Research Institute of Chemical Defense (MRICD) Incinerator all located within the boundaries of the Aberdeen Proving Ground.

By the Council, December 1, 1992

Introduced, read first time, ordered posted and public hearing scheduled
on: January 5, 1993

at: 6:00 P.M.

By Order: Doris Poulsen, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 5, 1993, and concluded on, January 12, 1993

Doris Poulsen, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

BILL NO. 92-94
AS AMENDED

1 ~~WHEREAS the County Executive has recommended that the Westwood~~
2 ~~Rubble Landfill, the Phillips Army Airfield Rubble Landfill, and~~
3 ~~the Medical Research Institute of Chemical Defense Incinerator of~~
4 ~~the Aberdeen Proving Ground all be made a part of the Harford~~
5 ~~County Solid Waste Management Plan; and~~

6 ~~WHEREAS these facilities are part of the Solid Waste~~
7 ~~Management Plan of Aberdeen Proving Ground and Harford County~~
8 ~~intends to include the Solid Waste Management Plan of Aberdeen~~
9 ~~Proving Ground in the Harford County Solid Waste Management Plan;~~
10 ~~and~~

11 ~~WHEREAS inclusion of solid waste facilities of Aberdeen~~
12 ~~Proving Ground in the Harford County Solid Waste Management Plan is~~
13 ~~necessary in order for such facilities to be granted necessary~~
14 ~~operating permits by the Maryland Department of the Environment;~~
15 ~~and~~

16 ~~WHEREAS sections 9-501 through 9-521 of the Environment~~
17 ~~Article, Annotated Code of Maryland, require that County solid~~
18 ~~waste management plans be approved by the County governing body;~~
19 ~~and~~

20 ~~WHEREAS the Harford County Government is currently developing~~
21 ~~a comprehensive Solid Waste Management Plan for all County-sited~~
22 ~~solid waste facilities which will include all facilities of~~
23 ~~Aberdeen Proving Ground; and~~

24 ~~WHEREAS it is necessary to include these facilities of the~~
25 ~~Aberdeen Proving Ground in the Harford County Solid Waste~~
26 ~~Management Plan at this time, and prior to the adoption of the~~
27 ~~revised Harford County Solid Waste Management Plan, so that these~~

1 ~~facilities can meet certain deadlines for obtention of necessary~~
2 ~~operating permits from the Maryland Department of the Environment.~~

3 ~~NOW THEREFORE,~~

4 ~~Section 1. Be It Enacted By The County Council of Harford~~
5 ~~County, Maryland that the Solid Waste Management Plan of Harford~~
6 ~~County be and the same is hereby amended to include the Westwood~~
7 ~~Rubble Landfill, the Phillips Army Airfield Rubble Landfill, and~~
8 ~~MRICD Incinerator all located within the boundaries of Aberdeen~~
9 ~~Proving Ground.~~

10 WHEREAS, the County Executive has recommended that the
11 Westwood Rubble Landfill, the Phillips Army Airfield Rubble
12 Landfill, and the Medical Research Institute of Chemical Defense
13 (MRICD) Incinerator of Aberdeen Proving Ground ("APG") all be made
14 a part of the Harford County Solid Waste Management Plan; and

15 WHEREAS, the Maryland Department of the Environment will not
16 issue refuse disposal permits for these facilities until the County
17 has determined that the facilities are in conformity with the Solid
18 Waste Management Plan; and

19 WHEREAS, Sections 9-501 through 9-521 of the Environment
20 Article, Annotated Code of Maryland, require that County solid
21 waste management plans be approved by the County governing body;
22 and

23 WHEREAS, the Harford County Government is currently developing
24 a comprehensive Solid Waste Management Plan for all County-sited
25 solid waste facilities which will include facilities of Aberdeen
26 Proving Ground; and

27 WHEREAS, it is necessary to include these facilities of
28 Aberdeen Proving Ground in the Harford County Solid Waste

1 Management Plan at this time, and prior to the adoption of the
2 revised Harford County Solid Waste Management Plan, so that these
3 facilities can meet certain deadlines for obtainment of necessary
4 permits from the Maryland Department of the Environment; and

5 WHEREAS, the MRICD incinerator currently being operated by the
6 United States Army is old, and because of its age is subject to
7 mechanical failures and does not meet the emissions levels that a
8 new incinerator will meet; and

9 WHEREAS, the Army has contracted to construct a new MRICD
10 incinerator that will meet or exceed the new more stringent air
11 emissions requirements and thus serve to significantly improve the
12 quality of the environment; and

13 WHEREAS, before the Army can continue to construct the new
14 MRICD incinerator, it must be issued a refuse disposal permit by
15 the Maryland Department of the Environment, and the Maryland
16 Department of the Environment has required work to stop on the new
17 MRICD incinerator pending issuance of a refuse disposal permit; and

18 WHEREAS, the Maryland Department of the Environment will not
19 issue the refuse disposal permit for the new MRICD incinerator
20 until the County has determined that the facility is in conformity
21 with the County Solid Waste Management Plan.

22 NOW THEREFORE,

23 Section 1. Be It Enacted By The County Council of Harford
24 County, Maryland that the Solid Waste Management Plan of Harford
25 County be and the same is hereby amended to read as follows for
26 purposes of including the Westwood Rubble Landfill, the Phillips
27 Army Airfield Rubble Landfill, and MRICD Incinerator within the
28 Plan:

1 A. Westwood Rubble Landfill. The Westwood Rubble Landfill
2 ("Westwood") is a 32-acre landfill, more or less, as delineated on
3 the Phase I Topographic Area Map, Westwood Landfill, Edgewood Area,
4 APG, Md., dated June 26, 1992 (Sheet 3). The site to be included
5 in the Harford County Solid Waste Management Plan is bordered on
6 the north, west and south by the dashed line on the referenced
7 drawing and bordered on the east by Piney Point Road. It currently
8 operates under refuse disposal permit No. 88-12-01-03D, which was
9 issued by the Maryland Department of the Environment ("MDE") on
10 April 26, 1988 and expires on April 26, 1993. The rubble landfill
11 is located approximately 0.15 miles from the border between APG and
12 civilian Harford County.

13 APG has developed operating procedures to ensure that only
14 acceptable rubble (i.e., rubble that APG may deposit at Westwood
15 pursuant to its MDE refuse disposal permit) generated on APG is
16 deposited at Westwood. As a result, the Army anticipates that the
17 traffic utilizing the site will travel primarily on APG roads, and
18 there should be no traffic impact to county roads as a result of
19 the operation of Westwood. Westwood is entirely fenced, and the
20 APG Directorate of Public Works ("APGDPW") controls access to the
21 site. A log is maintained of all loads and contractors who have
22 received permission from APGDPW to deposit a load at Westwood. If
23 a load of rubble is brought to the site that is not on the list of
24 loads having received prior approval for deposit, approval from the
25 Directorate of Safety, Health and Environment ("DSHE") is obtained
26 before the load may be deposited at the facility. These procedures
27 are designed to prevent ordnance, rubble from contaminated
28 buildings, ash and other wastes that are not allowed to be

1 deposited at the site pursuant to the MDE permit from being
2 deposited at the site. Contractors hired by APG are able to use
3 the landfill only after receiving prior approval from the APGDPW.

4 Asbestos waste is accepted for disposal at the Westwood Rubble
5 Landfill. The waste is packaged, labeled and received in
6 accordance with the procedures specified in COMAR 26.11.21.08. All
7 Army personnel handling the waste in connection with its packaging
8 and disposal are trained and handle the asbestos waste in
9 accordance with the requirements of COMAR 26.11.21. Once the waste
10 arrives for disposal at Westwood, it is handled in accordance with
11 the requirements of COMAR 26.04.07.13B(5). More specifically, the
12 properly labeled packages of asbestos waste are directed to a
13 specific area where it is disposed. The waste is removed from the
14 transport vehicle and placed on the ground. No equipment drives
15 over or operates directly on top of the packages of asbestos waste
16 that have been removed from the transport vehicle and deposited on
17 the ground. Dirt is piled up in front of the packages of asbestos
18 waste and in lifts is pushed over the waste until it is completely
19 covered. Care is taken so that none of the packages of asbestos
20 waste are punctured either prior to or after burial.

21 The average acceptance rate for rubble at the facility is
22 approximately eleven (11) cubic yards per day. The Army currently
23 estimates that Westwood will have sufficient capacity to operate
24 until the year 2015.

25 There are seven (7) monitoring wells around Westwood.
26 Groundwater from these wells is analyzed on a semi-annual basis as
27 required by MDE.

28 APG and the United States Army agree to and shall adhere to

1 the following conditions during the remaining life of Westwood:

2 1. Westwood shall be operated in accordance with all
3 applicable federal, state and county laws.

4 2. Westwood shall be secured by a locked gate during
5 periods when it is not in operation or it is not attended by
6 facility personnel.

7 3. Westwood shall not be operated without a valid
8 refuse disposal permit from MDE.

9 4. The Harford County Department of Public Works shall
10 be notified of all requests for modifications, renewal or issuance
11 of new permits for Westwood at the time of application.

12 5. One copy of all new or amended permits for Westwood
13 shall be submitted to the Harford County Department of Public Works
14 within thirty (30) days of receipt.

15 6. County personnel and/or county officials shall be
16 permitted to observe Westwood upon reasonable notice.

17 7. County personnel and/or county officials shall be
18 permitted to review site operation logs and inspection reports for
19 Westwood upon reasonable notice.

20 8. A copy of the groundwater monitoring reports for
21 Westwood shall be submitted to the Harford County Department of
22 Public Works and to the President of the Harford County Council at
23 the time of submittal to MDE.

24 9. A facility attendant shall examine each load being
25 deposited at Westwood before burial to ensure that the waste is in
26 compliance with the conditions of this plan and the MDE refuse
27 disposal permit. Logs shall be maintained to record the type,
28 origin and approximate burial location of all landfilled material.

1 10. The maximum elevation of the site as approved in the
2 MDE refuse disposal permit is fifty-three (53) feet above sea
3 level. At no time shall any fill area exceed fifty-three (53) feet
4 above sea level. Generally, the Army shall not fill any area more
5 than thirteen (13) feet above the natural contours prior to the
6 institution of any rubble landfilling activities at the site.

7 11. Adequate screening and buffers shall be maintained
8 around the site to minimize off-post impacts.

9 12. APG shall prepare and submit to the Harford County
10 Department of Public Works and to the President of the Harford
11 County Council the following information on a yearly basis:

12 a. The amount of capacity used to date of the
13 facility.

14 b. The estimated remaining capacity of the
15 facility in cubic yards and the estimated remaining service life in
16 months and, if appropriate, years.

17 c. Any restrictions or waste minimizing procedures
18 that will be implemented in order to prolong the life of the
19 facility.

20 d. The estimated quantity of acceptable rubble
21 which was deposited at some other landfill not located on APG.

22 13. APG and the United States Army shall continue to
23 diligently investigate and pursue methods of safely minimizing and
24 recycling all waste materials to extend the life of Westwood as
25 well as to minimize the quantity of material being disposed at off-
26 post rubble landfills. Paper, cardboard, tires and white goods
27 should not be disposed at Westwood and instead should be recycled.

28 14. All persons packaging, transporting and handling the

1 asbestos waste in connection with its preparation for disposal and
2 its disposal in the Westwood facility shall be properly trained and
3 equipped in accordance with the requirements of COMAR 26.11.24.05;
4 all asbestos waste shall be packaged, labeled and logged in
5 accordance with the requirements of COMAR 26.11.21.08; and all
6 asbestos waste shall be ultimately disposed in accordance with
7 COMAR 26.04.07.13B(5).

8 15. Westwood shall not accept any waste not generated by
9 APG.

10 B. Phillips Army Airfield Rubble Landfill. The Phillips
11 Army Airfield Rubble Landfill ("Phillips") is a 17.6-acre landfill,
12 more or less, as indicated on the Phase III, Rubble Landfill,
13 Phillips Army Airfield, Drawing LF-1: Layout, Grading & Sediment
14 Control Plan dated 7/11/90. The site to be included in the Harford
15 County Solid Waste Management Plan is bounded by fence line shown
16 on Drawing LF-1. It currently operates under MDE consent order No.
17 C092-SWE-088. The landfill is located on the Aberdeen Area of APG,
18 west of the main post near Phillips Army Airfield. The rubble
19 landfill is approximately 1.5 miles from the border of APG and the
20 civilian portion of Harford County.

21 APG has developed operating procedures to ensure that only
22 acceptable rubble (i.e., rubble that APG may deposit at Phillips
23 pursuant to its MDE consent order) generated on APG is deposited at
24 Phillips. As a result, the Army anticipates that the traffic
25 utilizing the site will travel primarily on APG roads, and there
26 should be no traffic impact to county roads as a result of the
27 operation of Phillips. Phillips is entirely fenced, and the APGDPW
28 controls access to the site. A log is maintained of all loads and

1 contractors who have received permission from APGDPW to deposit a
2 load at Phillips. If a load of rubble is brought to the site that
3 is not on the list of loads having received prior approval for
4 deposit, approval from the DSHE is obtained before the load may be
5 deposited at the facility. These procedures are designed to
6 prevent ordnance, rubble from contaminated buildings, ash and other
7 wastes that are not allowed to be deposited at the site pursuant to
8 the MDE consent order from being deposited at the site.
9 Contractors hired by APG are able to use the landfill only after
10 receiving prior approval from APGDPW.

11 Thirteen (13) monitoring wells have been installed around the
12 site. Samples shall be drawn and analyzed from these wells on a
13 semi-annual basis or more often as required by MDE.

14 The natural contours around the site are between thirty-eight
15 (38) and sixty (60) feet above sea level. The maximum elevation of
16 the site as designated in the application for a refuse disposal
17 permit to MDE was seventy (70) feet above sea level. The average
18 acceptance rate for rubble at the site is approximately fifty (50)
19 cubic yards per day. APG estimates that the landfill will reach
20 capacity by the year 1995. APG has developed a closure plan for
21 the site which it shall implement when the site reaches capacity.

22 APG and the United States Army agree to and shall adhere to
23 the following conditions during the remaining life of Phillips:

24 1. Phillips shall be operated in accordance with all
25 applicable federal, state and county laws.

26 2. Phillips shall be secured by a locked gate during
27 periods when it is not in operation or it is not attended by
28 facility personnel.

1 3. Phillips shall not be operated without a valid
2 refuse disposal permit from MDE.

3 4. The Harford County Department of Public Works shall
4 be notified of all requests for modifications, renewal or issuance
5 of new permits for Phillips at the time of application.

6 5. One copy of all new or amended permits for Phillips
7 shall be submitted to the Harford County Department of Public Works
8 within thirty (30) days of receipt.

9 6. County personnel and/or county officials shall be
10 permitted to observe Phillips upon reasonable notice.

11 7. County personnel and/or county officials shall be
12 permitted to review site operation logs and inspection reports for
13 Phillips upon reasonable notice.

14 8. A copy of the groundwater monitoring reports for
15 Phillips shall be submitted to the Harford County Department of
16 Public Works and to the President of the Harford County Council at
17 the time of submittal to MDE.

18 9. A facility attendant shall examine each load being
19 deposited at Phillips before burial to ensure that the waste is in
20 compliance with the conditions of this plan and the MDE refuse
21 disposal permit. Logs shall be maintained to record the type,
22 origin and approximate burial location of all landfilled material.

23 10. The maximum elevation of the site as described in
24 the application for a refuse disposal permit is seventy (70) feet
25 above sea level. At no time shall any fill area exceed seventy
26 (70) feet above sea level. Generally, the Army shall not fill any
27 area more than twenty (20) feet above the natural contours prior to
28 the institution of any rubble landfilling activities at the site.

1 11. Adequate screening and buffers shall be maintained
2 around the site to minimize off-post impacts.

3 12. APG shall prepare and submit to the Harford County
4 Department of Public Works and to the President of the Harford
5 County Council the following information on a yearly basis:

6 a. The amount of capacity used to date of the
7 facility.

8 b. The estimated remaining capacity of the
9 facility in cubic yards and the estimated remaining service life in
10 months and, if appropriate, years.

11 c. Any restrictions or waste minimizing procedures
12 that will be implemented in order to prolong the life of the
13 facility.

14 d. The estimated quantity of acceptable rubble
15 which was deposited at some other landfill not located on APG.

16 13. APG and the United States Army shall continue to
17 diligently investigate and pursue methods of safely minimizing and
18 recycling all waste materials to extend the life of Phillips as
19 well as to minimize the quantity of material being disposed at off-
20 post rubble landfills. Paper, cardboard, tires and white goods
21 should not be disposed at Phillips and instead should be recycled.

22 14. Phillips shall not accept any waste not generated by
23 APG.

24 C. Medical Research Institute of Chemical Defense ("MRICD")
25 Incinerator. MRICD operates a medical waste incinerator for the
26 disposal of animal bedding, animal carcasses and medical wastes.
27 The MRICD incinerator is located on the Edgewood Area of APG. The
28 incinerator in current operation is nearing the end of its useful

1 life, and the Army has contracted to replace the incinerator with
2 a new state-of-the-art incinerator. The old incinerator was
3 operated pursuant to MDE air quality permit No. 12-00082. The new
4 incinerator will be operated in accordance with a new MDE air
5 quality permit and a refuse disposal permit that has yet to be
6 issued by MDE. APG will maintain their air quality permit and
7 refuse disposal permit for the operation of the facility to be
8 constructed.

9 The MRICD incinerator is used primarily for the incineration
10 of animal bedding and animal carcasses in the MRICD facility. Any
11 other waste that is incinerated in the facility must receive the
12 prior approval of MRICD. MRICD standard operating procedures
13 prohibit the incineration of wastes that are contaminated with
14 chemical surety material ("CSM"), radioactive material or other
15 material that could cause the incinerator to operate in violation
16 of its MDE permits.

17 APG and the United States Army agree to and shall adhere to
18 the following conditions for the operation of the incinerator:

19 1. The incinerator shall be operated in accordance with
20 all applicable federal, state and county laws.

21 2. The incinerator shall be secured and access to the
22 incinerator shall be tightly controlled for the purpose of
23 preventing improper waste from being incinerated.

24 3. The new incinerator shall not be operated without a
25 valid air quality permit and refuse disposal permit from MDE. The
26 existing incinerator shall not operate without a valid air quality
27 permit from MDE.

28 4. The Harford County Department of Public Works and

the President of the Harford County Council shall be notified of all requests for modifications, renewal or issuance of new permits for the MRICD incinerator at the time of application.

5. One copy of all new or amended permits for the MRICD incinerator shall be submitted to the Harford County Department of Public Works within thirty (30) days of receipt.

6. County personnel and/or county officials shall be permitted to observe the MRICD incinerator upon reasonable notice.

7. County personnel and/or county officials shall be permitted to review operation logs and inspection reports for the MRICD incinerator upon reasonable notice.

8. A facility attendant shall examine each load being submitted for incineration to ensure that the waste is in compliance with the conditions of this plan and the MDE refuse disposal permit.

9. APG shall prepare and submit to the Harford County Department of Public Works and the President of the Harford County Council the following information on a yearly basis:

a. The types and percentages of waste that have been incinerated during the past calendar year (e.g., animal bedding, animal carcasses, medical waste, etc.).

b. The location or facility where the ash resulting from the operation of the MRICD incinerator will be disposed or the contractor(s) who have disposed of the ash.

10. The construction and commencement of operation of the replacement MRICD incinerator shall be diligently pursued, and the new incinerator shall be made operational as soon as is reasonably possible and practical.

1 11. Upon placing the replacement incinerator in
2 permanent operation, the existing incinerator shall be permanently
3 taken out of service, demolished and properly disposed of.

4 12. MRICD shall diligently investigate and pursue
5 methods of safely minimizing the amount of waste needing to be
6 incinerated.

7 13. The incinerator shall not be used to dispose of any
8 waste that is not generated on APG.

9 Section 2. And Be It Further Enacted that the Solid Waste
10 Management Plan of Harford County shall include these facilities
11 and that these facilities shall be included in the revised Harford
12 County Solid Waste Management Plan when that plan is submitted to
13 the County Council of Harford County for approval.

14 Section 3. And Be It Further Enacted that this Act shall be
15 declared to be an Emergency Act necessary to provide for timely
16 approval of inclusion of these facilities in the Harford County
17 Solid Waste Management plan so that Aberdeen Proving Ground can
18 meet certain time deadlines imposed by the Maryland Department of
19 the Environment for obtaining necessary operating permits for these
20 facilities, and that this Act shall take effect on the date it
21 becomes law.

EFFECTIVE: January 25, 1993

HARFORD COUNTY BILL NO. 92-94 (AS AMENDED)

(Brief Title) Amendment to Solid Waste Management Plan - APG

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

Doris Poulsen
Secretary of the Council

[Signature]
President of the Council

Date January 19, 1993

Date January 19, 1993

BY THE COUNCIL

Read the third time.

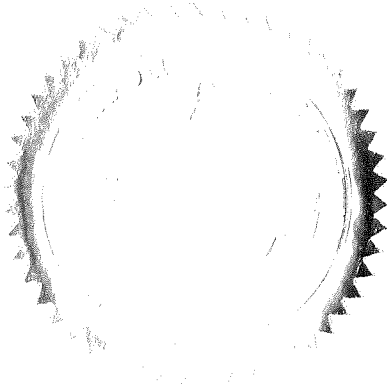
Passed: LSD 93-3 (January 19, 1993)

Failed of Passage: _____

By Order

Doris Poulsen, Secretary

Sealed with the County Seal and presented to the County Executive for approval this 20th day of January, 1993 at 3:00 P.M.



Doris Poulsen, Secretary

BY THE EXECUTIVE

[Signature]
COUNTY EXECUTIVE

APPROVED: Date January 25, 1993

BY THE COUNCIL

This Bill (No. 92-94, as amended), having been approved by the Executive and returned to the Council, becomes law on January 25, 1993.

Doris Poulsen, Secretary

EFFECTIVE DATE: January 25, 1993